

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LIGHTHOUSE RESOURCES INC., et al.,

Plaintiffs,

v.

JAY INSLEE, et al.,

Defendants.

CASE NO. 3:18-cv-05005-RJB

ORDER ON WASHINGTON
ENVIRONMENTAL COUNCIL, ET
AL. MOTION TO INTERVENE

THIS MATTER comes before the Court on the Motion to Intervene filed by the Washington Environmental Council, Columbia Riverkeeper, Friends of the Columbia Gorge, Climate Solutions, and Sierra Club (collectively, “the Intervenors”). Dkt. 24. The Court has considered the motion and the remainder of the file herein.

The Intervenors seek to intervene as defendants as a matter of right under Fed. R. Civ. P. 24(a), and in the alternative, as a matter of permissive intervention under Fed. R. Civ. P. 24(b).

The named defendants do not oppose intervention.

1 Plaintiffs do not object to permissive intervention, but they propose three limitations on
2 the Intervenor's participation in the case: (1) prohibiting the Intervenor from asserting
3 counterclaims or cross-claims; (2) requiring the Intervenor to coordinate with the other named
4 defendants for any discovery requests; and (3) prohibiting the Intervenor from opposing
5 settlement, if any, between Plaintiffs and the named defendants. Dkt. 42 at 2. The Intervenor
6 have agreed not to bring counterclaims or cross-claims, but, they argue, limiting the Intervenor's
7 full right to discovery and right to oppose settlement could be a potentially substantive restriction
8 that would unfairly limit their ability to fully participate. Dkt. 43 at 2.

9 The Intervenor should be recognized as permissive intervenors pursuant to Fed. R. Civ.
10 P. 24(b). By agreement of the parties, they should also be prohibited from asserting
11 counterclaims and cross-claims. However, requiring coordination of discovery between the
12 Intervenor and named defendants is unnecessary at this juncture. It is assumed that counsel for
13 the Intervenor, like all counsel of record, will observe the Federal Rules of Civil Procedure and
14 basic canons of professionalism. Finally, prohibiting the Intervenor from opposing any
15 settlement between Plaintiffs and the named defendants is premature. Objections to settlement
16 will be addressed when and if properly raised.

17 As a practical matter, because the Intervenor have alleged no claims and have no claims
18 or cross-claims alleged against them, they are functionally amici to the case, except that they
19 may participate in discovery.

20 * * *

21 THEREFORE, the Motion to Intervene (Dkt. 24) is GRANTED IN PART. Washington
22 Environmental Council, Columbia Riverkeeper, Friends of the Columbia Gorge, Climate
23
24

1 Solutions, and Sierra Club may participate as defendants in this action. They are precluded from
2 bringing counterclaims or cross-claims, and to that extent, the motion is denied.

3 IT IS SO ORDERED.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
5 to any party appearing *pro se* at said party's last known address.

6 Dated this 26th day of March, 2018.

7
8 

9 ROBERT J. BRYAN
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24